

**704 KAR 7:100. Approval of operation of alternative education programs for purposes of driver's license revocation.**

RELATES TO: KRS 159.051, 186.440

STATUTORY AUTHORITY: KRS 156.031, 156.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 159.051 and 186.440 limits the privilege of high school dropouts and students who are academically deficient to drive motor vehicles and to retain or acquire a driver's license, but requires local districts which implement the new law to operate an alternative education program approved by the Department of Education. This administrative regulation prescribes criteria for approval of alternative education programs.

Section 1. Any school district instituting action to revoke or deny driver's licenses, under the provisions of KRS 159.051 and 186.440, to youth who are currently unsuccessful in school or who drop out of school, as defined by KRS 159.051 and 186.440, shall do so only after the following steps have been completed:

(1) The Kentucky Department of Education shall be notified of the intent to utilize the provisions of KRS 159.051 and 186.440 to revoke or deny ineligible students' driver's licenses.

(2) A written plan with outlined procedures for instituting the plan shall be submitted to the Department of Education. The plan shall describe the alternatives that shall be available to any youth whose behaviors make them eligible by KRS 159.051 and 186.440 to have their driver's licenses revoked or denied. At a minimum, the following shall be developed as a part of the alternative education plan:

(a) An annual plan for informing all middle, junior high, and high school youth of the provisions of KRS 159.051 and 186.440;

(b) A process for the early identification of youth who are at risk for having driver's licenses denied or revoked;

(c) A full description of the alternative school or programs that are available to youth in the district who are in danger of falling under the provisions of KRS 159.051 and 186.440;

(d) A process for documenting that alternatives designed to meet the special and individual needs of the youth who are being denied driver's licenses or having their licenses revoked have been offered in a timely manner to the youth; and

(e) A policy that defines standards for academic deficiency, similar to the academic deficiency standards defined by KRS 159.051 and 186.440 for regular school programs, for students in alternative education, special education, or part-time programs.

Section 2. Approval of the adequacy of the alternative education plan shall be secured from the Department of Education prior to implementation of KRS 159.051 and 186.440 by a local school district.

Section 3. School districts, with approved alternative education programs, shall notify the appropriate circuit court clerk, upon request of any qualified student sixteen (16) years of age or above, that the student is eligible under the provision of KRS 159.051 and 186.440 to be issued a driver's license.

Section 4. School districts, not having an approved alternative education program, shall notify the appropriate circuit court clerk, upon request of any student sixteen (16) years of age or above initially applying for a driver's license, that the student is eligible under the provision of KRS 159.051 and 186.440, to be issued a license. The requirements for initial issuance of a license pursuant to KRS 159.051 and 186.440 are not applicable when a district has no approved alternative education program. (17 Ky.R. 705; eff. 10-14-90.)